

Interim Order Respecting Vessel Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)

From: Transport Canada

Whereas the Minister of Transport believes that the annexed *Interim Order Respecting Vessel Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)* is required to deal with a direct or indirect risk to marine safety or to the marine environment.

And whereas the provisions of the annexed Interim Order may be contained in a regulation made pursuant to subsection 120(1) ^a and paragraphs 136(1)(f) ^b and (h) ^b of the Canada Shipping Act, 2001 ^c.

Therefore, the Minister of Transport, pursuant to subsection 10.1(1) ^d of the Canada Shipping Act, 2001 ^c, makes the annexed *Interim Order Respecting Vessel Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)*.

Ottawa, November 29, 2021

Omar Alghabra

Minister of Transport

Interpretation

Definitions

1 (1)

The following definitions apply in this Interim Order.

COVID-19

means the coronavirus disease 2019. (COVID-19)

COVID-19 Molecular Test

means a COVID-19 screening or diagnostic test carried out by an accredited laboratory, including a test performed using the method of polymerase chain reaction (PCR) or reverse transcription loop-mediated isothermal amplification (RT-LAMP). (essai moléculaire relatif à la COVID-19)

cruise ship

means any passenger vessel, other than a ferry vessel or a passenger vessel that provides essential services, whose passengers are scheduled to be on board for 24 hours or more. (navire de croisière)

ferry vessel

means any vessel, having provision for deck passengers and for vehicles, that is operated on a short run on a schedule between two points over the most direct water route and offers a public service of a type normally attributed to a bridge or tunnel. (transbordeur)

Minister

means the Minister of Transport. (ministre)

passenger vessel

means a vessel, other than a ferry vessel, that is certified to carry more than 12 passengers as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Safety Certificates Regulations or on an equivalent certificate issued by a foreign government. (bâtiment à passagers)

passenger vessel that provides essential services

means a passenger vessel that is set out in the schedule. (bâtiment à passagers qui fournit des services essentiels)

pilot

has the same meaning as in section 1.1 of the *Pilotage Act*. (pilote)

Ship Safety Bulletin No. 17/2021

means the Ship Safety Bulletin entitled Measures for Persons (other than passengers) on Canadian Vessels and Foreign Passenger Vessels Operating in Canadian Waters to Mitigate the Spread of COVID-19, SSB No. 17/2021, published on November 1, 2021 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced. (bulletin de la sécurité des navires no 17/2021)

Ship Safety Bulletin No. 18/2021

means the Ship Safety Bulletin entitled Measures to Support Safe Cruise Travel in Canada, SSB No. 18/2021, published on November 30, 2021 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced. (bulletin de la sécurité des navires no 18/2021)

Interpretation — fully vaccinated

(2) For the purposes of this Interim Order, a person is fully vaccinated at least 14 days after the they complete a COVID-19 vaccine dosage regimen if

(a) in the case of a vaccine dosage regimen that uses a COVID-19 vaccine that is authorized for sale in Canada,

(i) the vaccine has been administered to the person in accordance with its labelling, or

(ii) the Minister of Health determines, on the recommendation of the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*, that the regimen is suitable, having regard to the scientific evidence related to the efficacy of that regimen in preventing the introduction or spread of COVID-19 or any

other factor relevant to preventing the introduction or spread of COVID-19; or

(b) in all other cases,

(i) the vaccines of the regimen are authorized for sale in Canada or in another jurisdiction, and

(ii) the Minister of Health determines, on the recommendation of the Chief Public Health Officer appointed under subsection 6(1) of the Public Health Agency of Canada Act, that the vaccines and the regimen are suitable, having regard to the scientific evidence related to the efficacy of that regimen and the vaccines in preventing the introduction or spread of COVID-19 or any other factor relevant to preventing the introduction or spread of COVID-19.

For greater certainty

(3) For greater certainty, for the purposes of subsection (2), a COVID-19 vaccine that is authorized for sale in Canada does not include a similar vaccine sold by the same manufacturer that has been authorized for sale in another jurisdiction.

Application

Passengers

2 The provisions of this Interim Order apply in respect of passengers beginning on November 30, 2021.

Canadian Vessels

Prohibition

3 (1) It is prohibited for a Canadian vessel, other than a cruise ship, that is operated with 12 or more crew members on board to be operated in any waters, unless the vessel's authorized representative

(a) has implemented a vaccination policy in accordance with the requirements set out in subsection 12(1);

(b) verifies, subject to subsection (3),

(i) that every person on board the vessel received the first dose of a COVID-19 vaccine dosage regimen before boarding, and

(ii) beginning on January 24, 2022, that every person on board the vessel is fully vaccinated; and

(c) verifies that every person on board the vessel who is not fully vaccinated, other than a passenger or pilot, has received, before boarding, a result described in subsection 4(4) for a COVID-19 test that they took or a result described in subsection 4(5) for a COVID-19 molecular test that they took, as the case may be.

Prohibition – other vessels

(2) Subsection (1) also applies in respect of any other Canadian vessel, other than a cruise ship, of an authorized representative who is also the authorized representative of a cruise ship that is a Canadian vessel or of any other Canadian vessel that is operated with 12 or more crew members on board.

Exception

(3) For the purposes of paragraph (1)(b), the reference to “person” does not include

(a) a passenger;

(b) a pilot; or

(c) a person whose reason for not completing a COVID-19 vaccine dosage regimen has been verified by an authorized representative under subsection 4(2).

Evidence of vaccination

4 (1) It is prohibited for a person, other than a person who intends to be a passenger or who is a pilot, to board a Canadian vessel referred to in section 3 that is in Canadian waters unless the person provides to the vessel's authorized representative

(a) evidence of COVID-19 vaccination demonstrating that they have received the first dose of a COVID-19 vaccine dosage regimen before boarding; and

(b) beginning on January 24, 2022, evidence of COVID-19 vaccination demonstrating that they are fully vaccinated.

Verification

(2) Despite subsection (1), a person, other than a person who intends to be a passenger or who is a pilot, may board the vessel if the authorized representative has verified that the person has not completed a COVID-19 vaccine dosage regimen due to one of the following reasons:

(a) the person has a medical contraindication that prevents them from completing a COVID-19 vaccine dosage regimen; or

(b) the person has a sincerely held religious belief that prevents them from completing a COVID-19 vaccine dosage regimen.

Evidence

(3) A person who relies on a reason referred to in paragraph (2)(a) or (b) must provide to the authorized representative evidence of their medical contraindication or their sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 17/2021.

COVID-19 test result

(4) Before boarding a vessel, a person who is not fully vaccinated, other than a person who intends to be a passenger or who is a pilot, must provide to the vessel's authorized representative evidence that they received

(a) a negative result for a COVID-19 test that was performed on a specimen collected from the person no more than 72 hours before the person boards the vessel; or

(b) a positive result for a COVID-19 test that was performed on a specimen collected from the person at least 14 days and no more than 180 days before the person boards the vessel.

Prohibition

(5) A person who is not fully vaccinated, other than a person who intends to be a passenger or who is a pilot, who receives a positive result for a COVID-19 test must not board the vessel for a period of 14 days after the specimen on which the test was performed was collected, unless they receive a negative result for a COVID-19 molecular test that was performed on a specimen collected from the person no more than 72 hours before the person boards the vessel.

Evidence — elements

(6) For the purposes of this Interim Order, evidence of a result for a COVID-19 test must include

- (a) the person's name and date of birth;
- (b) the name and civic address of the laboratory that administered the test, if applicable;
- (c) the date the specimen was collected and the test method used; and
- (d) the test result.

Continued testing

(7) Any person who provides evidence of a result described in paragraph (4) (a) must be tested for COVID-19 in accordance with the authorized representative's vaccination policy every three days for the duration of the voyage if it is scheduled to last six days or more.

Pilots

Prohibition

5 (1) It is prohibited for any vessel that is operated in Canadian waters to have a pilot on board unless the vessel's authorized representative verifies

- (a) that, if the pilot is not fully vaccinated, the pilot received before boarding
 - (i) the first dose of a COVID-19 vaccine dosage regimen, and
 - (ii) a result described in subsection 4(4) for a COVID-19 test that they took or a result described in subsection 4(5) for a COVID-19 molecular test that they took, as the case may be; and
- (b) beginning on January 24, 2022, that the pilot is fully vaccinated.

Verification

(2) Despite subsection (1), a vessel referred to in that subsection that is operated in Canadian waters may have on board a pilot who is not fully vaccinated if the vessel's authorized representative verifies that the pilot has a document confirming that the pilotage authority that employs the pilot or that has a contract with the pilot or with a body corporate of which the pilot is a member or shareholder has verified that the pilot has provided evidence that they have not completed a COVID-19 vaccine dosage regimen for a reason referred to in subsection 6(2).

Prohibition

6 (1) It is prohibited for a pilot to board any vessel that is operated in Canadian waters unless the pilot provides to the vessel's authorized representative

- (a) evidence of COVID-19 vaccination demonstrating that they have received the first dose of a COVID-19 vaccine dosage regimen before boarding; and
- (b) beginning on January 24, 2022, evidence of COVID-19 vaccination demonstrating that they are fully vaccinated.

Verification

(2) Despite subsection (1), a pilot referred to in that subsection may board the vessel if the pilotage authority that employs the pilot or that has a contract with the pilot or with a body corporate of which the pilot is a member or shareholder has verified that the pilot has not completed a COVID-19 vaccine dosage regimen due to one of the following reasons:

- (a) the pilot has a medical contraindication that prevents them from completing a COVID-19 vaccine dosage regimen; or

(b) the pilot has a sincerely held religious belief that prevents them from completing a COVID-19 vaccine dosage regimen.

Accommodation under applicable legislation

(3) If a pilot relies on a reason referred to in subsection (2), the pilotage authority that employs the pilot or that has a contract with the pilot or with a body corporate of which the pilot is a member or shareholder must verify that the pilot is entitled to be accommodated, on the basis of the reason the pilot is relying on, under applicable legislation by being permitted to board the cruise ship without being fully vaccinated.

Evidence

(4) A pilot who relies on a reason referred to in paragraph (2)(a) or (b) must provide to the pilotage authority evidence of their medical contraindication or their sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 17/2021.

COVID-19 test result

(5) Before boarding a vessel, a pilot who is not fully vaccinated must provide to the vessel's authorized representative evidence that they have received a result described in subsection 4(4) for a COVID-19 test that they took or a result described in subsection 4(5) for a COVID-19 molecular test that they took, as the case may be.

Cruise Ships

Prohibition

7 (1) It is prohibited for a cruise ship that is a Canadian vessel to be operated in any waters, and for a cruise ship that is a foreign vessel to be operated in Canadian waters, unless the cruise ship's authorized representative

(a) in the case of a cruise ship that is a Canadian vessel, has implemented a vaccination policy in accordance with the requirements set out in subsection 12(1);

(b) verifies that every person on board the cruise ship is vaccinated in accordance with subsection (2) or that they have a reason referred to in subsection (3) for not being vaccinated;

(c) verifies that every person referred to in subsection (4) has evidence that they have received a result for a COVID-19 test referred to in that subsection;

(d) ensures that every passenger and every person who intends to be a passenger on board the cruise ship is tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021;

(e) has implemented a COVID-19 management plan in accordance with the requirements set out in section 18;

(f) In the case of a cruise ship that is a foreign vessel, notifies the Minister of the date when the cruise ship is scheduled to arrive in Canadian waters at least 45 days before that date; and

(g) has implemented the measures set out in Ship Safety Bulletin No. 18/2021.

Vaccination status

(2) For the purposes of paragraph (1)(b), the vaccination status to be verified is the following:

- (a) in the case of a person on board the cruise ship other than a passenger or pilot,
 - (i) that they have received the first dose of a COVID-19 vaccine dosage regimen before boarding, and
 - (ii) beginning on January 24, 2022, that they are fully vaccinated; and
- (b) in the case of a passenger who is 12 years and 4 months of age or older, that they are fully vaccinated.

Exception

(3) For the purposes of paragraph (1)(b), the reasons a person may have for not being vaccinated are the following:

- (a) a medical contraindication;
- (b) a sincerely held religious belief, in the case of
 - (i) a person, other than a passenger, on board a cruise ship, and
 - (ii) a passenger who boarded a cruise ship in Canada.

COVID-19 test results

(4) For the purposes of paragraph (1)(c), the COVID-19 test results that a person must have received are the following:

- (a) in the case of a person on board the cruise ship who is not fully vaccinated, other than a passenger or pilot, a result described in paragraph 4(4)(a) or (b) for a COVID-19 test that they took or a result described in subsection 4(5) for a COVID-19 molecular test that they took, as the case may be; and
- (b) in the case of a passenger, a COVID-19 test result set out in Ship Safety Bulletin No. 18/2021.

Confirmation

8 Before a cruise ship is operated in Canadian waters, the authorized representative of the cruise ship must confirm to the Minister that they have

- (a) verified that every passenger who is 12 years and 4 months of age or older is fully vaccinated and that every passenger on board the cruise ship has been tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021 and has provided the results of their COVID-19 test to the authorized representative in accordance with that Bulletin;
- (b) verified that every passenger who relies on a reason for not being vaccinated has the evidence required under subsection 9(5) to demonstrate that they have not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or a sincerely held religious belief; and
- (c) implemented measures to ensure that every passenger is tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021.

Evidence of vaccination

9 (1) It is prohibited for any person, other than a passenger or pilot, to be on board a cruise ship that is a Canadian vessel or a cruise ship that is a foreign vessel in Canadian waters unless the person has provided to the cruise ship's authorized representative

- (a) evidence of COVID-19 vaccination demonstrating that they have received the first dose of a COVID-19 vaccine dosage regimen before boarding; and
- (b) beginning on January 24, 2022, evidence of COVID-19 vaccination demonstrating that they are fully vaccinated.

Evidence of vaccination — passengers

(2) It is prohibited for a passenger who is 12 years and 4 months of age or older to be on board a cruise ship that is a Canadian vessel or a cruise ship that is a foreign vessel in Canadian waters unless they have provided to the cruise ship's authorized representative evidence of COVID-19 vaccination demonstrating that they are fully vaccinated.

Verification

(3) Despite subsection (1) and paragraph (2)(a), a person may board the cruise ship if the authorized representative has verified that the person has not completed a COVID-19 vaccine dosage regimen due to one of the following reasons:

- (a) a medical contraindication that prevents the person from completing a COVID-19 vaccine dosage regimen; or
- (b) a sincerely held religious belief that prevents the person from completing a COVID-19 vaccine dosage regimen, if the person is not a passenger or the person is a passenger who boarded the cruise ship in Canada.

Accommodation under applicable legislation

(4) If the person relying on a reason referred to in subsection (3) is a passenger, the authorized representative must verify that the passenger is entitled to be accommodated, on the basis of the reason they are relying on, under applicable legislation by being permitted to board the cruise ship without being fully vaccinated.

Evidence

(5) A person who relies on a reason referred to in paragraph (3)(a) or (b) must provide to the authorized representative the following evidence:

(a) in the case of a person other than a passenger or pilot, evidence of a medical contraindication or sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 17/2021; and

(b) in the case of a passenger, evidence of a medical contraindication or sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 18/2021.

COVID-19 test results — persons other than passengers

(6) A person who is not fully vaccinated, other than a passenger or pilot, must have provided to the cruise ship's authorized representative evidence that they received their results of a COVID-19 test referred to in subsection 4(4) or (5).

Continued testing

(7) Any person, other than a passenger or pilot, who provides evidence of a result described in paragraph 4(4)(a) for a COVID-19 test that they took or a result described in subsection 4(5) for a COVID-19 molecular test that they took, as the case may be, must be tested for COVID-19 in accordance with the authorized representative's vaccination policy every three days for the duration of the voyage if that voyage is scheduled to last six days or more.

COVID-19 test results — passengers

(8) A person who intends to be a passenger must be tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021 and must provide the results of their COVID-19 test to the authorized representative in

accordance with that Bulletin.

Notification — vaccination

10 A cruise ship that is a foreign vessel on a voyage to Canada departing from any other country must not enter Canadian waters unless the authorized representative of the cruise ship notified every person before they boarded the cruise ship that they may be required, under an order made under section 58 of the Quarantine Act, to provide, before boarding the cruise ship or before entering Canadian waters, to the Minister of Health or to a screening officer, as defined in section 2 of that Act, or person designated as a quarantine officer under subsection 5(2) of that Act, by the electronic means specified by that Minister, information related to their COVID-19 vaccination and evidence of COVID-19 vaccination. The authorized representative must also notify every person that they may be denied permission to board the cruise ship and may be liable to a fine if this requirement applies to them and they fail to comply with it.

Exceptions

11 Sections 3 to 10 do not apply to

- (a) a cruise ship that is a foreign vessel in the territorial sea of Canada that is exercising the right of innocent passage in accordance with international law and Article 19 of Section 3 of the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982;
- (b) a pleasure craft; or
- (c) a vessel that is operated for the purpose of saving lives, securing the safety of another vessel or preventing the immediate loss of another vessel.

Vaccination Policy

Content

12 (1) A vaccination policy must include

- (a) the types and names of the vessels and cruise ships to which the policy applies;
- (b) the measures taken by the authorized representative to comply with local public health guidelines to prevent the spread of COVID-19;
- (c) the authorized representative's obligations in relation to the policy;
- (d) the measures implemented to ensure that this Interim Order's requirements in relation to vaccination are complied with, including the requirements set out in paragraphs 3(1)(b) and (c), subsections 4(1) to (5), section 5, paragraphs 7(1)(b) and (c) and subsections 9(1) to (5);
- (e) the means by which a person to whom the policy applies can provide evidence of their vaccination status and that they received one of the COVID-19 test results required by this Interim Order;
- (f) the measures to follow in testing a person for COVID-19 when a vessel or cruise ship is on a voyage that is scheduled to last six days or more, including the measures to follow if the person receives a positive result;
- (g) a procedure for verifying the evidence provided by a person who is subject to the policy who has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief;
- (h) a procedure for issuing to a person referred to in paragraph (g) a document confirming the reason for which they did not complete a

COVID-19 vaccine dosage regimen;

(i) the measures to be taken to maintain physical distancing between the persons who work on board the vessels or cruise ships and the persons employed by the authorized representative who are not fully vaccinated, including any work arrangements for those persons who are not fully vaccinated and are unable to work on the vessels or cruise ships;

(j) a procedure for collecting the following information with respect to an in-person interaction in the workplace between a person who works on board a vessel or cruise ship of an authorized representative and a person employed by the authorized representative who is unvaccinated or whose vaccination status is unknown:

(i) the date, time and location of the interaction, and

(ii) the contact information for the persons involved in the interaction; and

(k) the consequences of not complying with the policy.

Medical contraindication

(2) For the purposes of paragraphs (1)(g) and (h), the vaccination policy must provide that a document is to be issued to a person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of a medical contraindication only if the person provides a medical certificate from a medical doctor or nurse practitioner who is licensed to practice in Canada certifying that the person cannot complete a COVID-19 vaccination regimen due to a medical condition and specifying whether the condition is permanent or temporary.

Canadian Human Rights Act

(3) For the purposes of paragraphs (1)(g) and (h), in the case of an employee of an authorized representative or a person hired by the authorized representative to provide a service, the vaccination policy must provide that a document is to be issued to the employee or person confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious beliefs only if the authorized representative is obligated to accommodate them on that basis under the Canadian Human Rights Act.

Applicable legislation

(4) For the purposes of paragraphs (1)(g) and (h), in the case of an employee of an authorized representative's contractor or agent or mandatary, the vaccination policy must provide that a document is to be issued to the employee confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of their sincerely held religious beliefs only if they would be entitled to an accommodation on that basis under applicable legislation.

Vaccination policy kept on board

(5) The authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel must ensure that a copy of the vaccination policy is kept on board each such vessel or cruise ship of which they are the authorized representative and must make that policy available to the Minister within 48 hours of the Minister's request.

Familiarity with policy

(6) The authorized representative must ensure that the crew members on board the vessel or cruise ship are familiar with the content of the vaccination policy and must keep on board the vessel or cruise ship a

record indicating that the crew members have familiarized themselves with the policy.

Authorized representative's confirmation

13 The authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel that begins to operate after this Interim Order is made must, on the day on which the vessel or cruise ship begins to operate, provide to the Minister written confirmation that they implemented a vaccination policy that meets the requirements set out in subsection 12(1).

Documents

14 The authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel must make information related to the implementation of the vaccination policy available to the Minister on the Minister's request.

Amending vaccination policy

15 The authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel must amend the vaccination policy on the request of the Minister and must submit the amended vaccination policy to the Minister within five business days after the day on which the request is made.

Evidence of vaccination — elements

16 (1) For the purposes of this Interim Order, evidence of COVID-19 vaccination must be evidence issued by the government or the non-governmental entity that is authorized to issue it and must contain the following information:

- (a) the name of the person who received the vaccine;
- (b) the name of the government or the name of the non-governmental entity;
- (c) the brand name or any other information that identifies the vaccine that was administered; and
- (d) the dates on which the vaccine was administered or, if the evidence is one document issued for both doses and the document specifies only the date on which the most recent dose was administered, that date.

Evidence of vaccination — translation

(2) The evidence of COVID-19 vaccination must be in English or French and any translation into English or French must be a certified translation.

Notice to Minister — persons other than passengers

17 (1) An authorized representative referred to in section 3 or 7 or a pilotage authority referred to in subsection 6(2) who has reason to believe that a person other than a passenger provided evidence of COVID-19 vaccination, of a COVID-19 test result, of a medical contraindication or of a sincerely held religious belief that is likely to be false or misleading must as soon as feasible provide to the Minister the person's name, contact information and, if applicable, their Candidate document number (CDN) or their Certificate of Competency number from the Standards for Training, Certification and Watchkeeping (STCW).

Notice to Minister — passengers

(2) An authorized representative of a cruise ship who has reason to believe that a passenger provided evidence of COVID-19 vaccination, of a COVID-19 test result, of a medical contraindication or of a sincerely held religious

belief that is likely to be false or misleading must as soon as feasible provide to the Minister

- (a) the person's name, date of birth and contact information;
- (b) the person's travel information; and
- (c) a description of the circumstances that led the authorized representative to believe that the evidence is likely to be false or misleading and the date on which they occurred.

COVID-19 Management Plan

Content

18 A COVID-19 management plan must include

- (a) measures implemented to ensure compliance with this Interim Order's vaccination requirements in relation to passengers;
- (b) measures to ensure that passengers are tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021 and that they provide the results of their COVID-19 test to the authorized representative in accordance with that Bulletin;
- (c) measures to prevent or limit the spread of COVID-19 on board the cruise ship;
- (d) measures to protect crew members and passengers from the transmission of COVID-19 when the cruise ship stops at a port of call during the voyage;
- (e) measures to respond to a COVID-19 outbreak on board the cruise ship;

(f) in the case of a cruise ship that is a foreign vessel, measures implemented to ensure that it complies with the United States Centers for Disease Control and Prevention's Framework for Conditional Sailing Order or the European Union's framework in relation to COVID-19 that applies to cruise ships; and

(g) any other measures necessary to meet the requirements set out in Ship Safety Bulletin No. 18/2021.

Notice to Minister

19 The authorized representative of a cruise ship must notify the Minister 45 days before the cruise ship is first operated in, or first enters, Canadian waters, whichever occurs first after this Interim Order is made, that they have implemented their COVID-19 management plan in accordance with section 18.

Management plan kept on board

20 The authorized representative of a cruise ship that is a Canadian vessel operating in any waters or of a cruise ship that is a foreign vessel operating in Canadian waters must ensure that a copy of their COVID-19 management plan is kept on board each cruise ship of which they are the authorized representative and must make that plan available to the Minister within 48 hours of the Minister's request.

Amending management plan

21 The authorized representative of a cruise ship must amend their COVID-19 management plan on the request of the Minister and must submit the amended plan to the Minister within five business days after the the request is made.

Checklist Respecting Procedures at Ports

Requirement

22 (1) The authorized representative of a cruise ship must have a checklist respecting procedures to be followed at the ports where the cruise ship is scheduled to call that is signed by the port authorities of those ports and the appropriate public health authorities.

Content

(2) The checklist must include

- (a) measures to prevent or limit the spread of COVID-19 during the embarkation and disembarkation of passengers at a port of call; and
- (b) any other measures necessary to meet the requirements set out in Ship Safety Bulletin No. 18/2021.

Notice to Minister

(3) The authorized representative of a cruise ship must notify the Minister 45 days before the cruise ship is first operated in, or first enters, Canadian waters, whichever occurs first after this Interim Order is made, that they have the checklist referred to in subsection (1).

Checklist kept on board

23 The authorized representative of a cruise ship that is a Canadian vessel operating in any waters or of a cruise ship that is a foreign vessel operated in Canadian waters must ensure that a copy of the checklist referred to in

subsection 22(1) is kept on board each cruise ship of which they are the authorized representative and must make that checklist available to the Minister within 48 hours of the Minister's request.

Reports

Complete report

24 (1) The authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel must provide to the Minister, in accordance with Ship Safety Bulletin No. 17/2021, a report that contains the following information:

- (a) the name of the vessels and cruise ships that are the subject of the report;
- (b) the number of persons employed by the authorized representative;
- (c) the number of those persons who are fully vaccinated, partially vaccinated and not vaccinated;
- (d) the number of persons to whom the authorized representative issued a document confirming that the person did not complete a COVID-19 vaccine dosage regimen due to a medical contraindication or a sincerely held religious belief and a record that confirms they provided the required evidence;
- (e) the number of persons employed by the authorized representative who are unable to work because of COVID-19;
- (f) the number of persons whose employment responsibilities require them to be on board the vessel or cruise ship and among those persons the number who are fully vaccinated, partially vaccinated or unvaccinated;

(g) the number of persons, from among the persons referred to in paragraph (f), to whom the authorized representative issued a document confirming the person did not complete a COVID-19 vaccine dosage regimen due to a medical contraindication or a sincerely held religious belief and the mitigation measures implemented in respect of those persons;

(h) the number of persons employed by the authorized representative who are scheduled to be on board a vessel but who are not permitted to board because they are not in compliance with the vaccination requirements under this Interim Order; and

(i) the number of instances in which information was collected in respect of an in-person interaction referred to in paragraph 12(1)(j).

Abridged report

(2) An authorized representative of a vessel referred to in section 3 or of a cruise ship that is a Canadian vessel who implements a vaccination policy that exceeds the requirements of this Interim Order and that applies to all their employees, including those whose employment responsibilities do not require them to be on board the vessel or cruise ship, is exempt from subsection (1) but must provide to the Minister, in accordance with Ship Safety Bulletin No. 17/2021, a report that contains the information set out in paragraphs (1)(a) to (d).

Report on passengers

25 An authorized representative of a cruise ship that is a Canadian vessel operating in any waters or of a cruise ship that is a foreign vessel operating in Canadian waters must provide to the Minister, in accordance with Ship

Safety Bulletin No. 18/2021, a report that contains the following information:

- (a) the number of passengers on board the cruise ship;
- (b) the number of passengers who are fully vaccinated, who are not fully vaccinated due to a medical contraindication and who are not fully vaccinated due to a sincerely held religious belief;
- (c) the number of passengers who received a positive result for a COVID-19 test during the voyage;
- (d) the number of passengers referred to in paragraph (c) who were fully vaccinated and who were not fully vaccinated due to a reason referred to in subsection 7(3);
- (e) any data that indicates trends of positive COVID-19 test results;
- (f) the number of persons who intended to be passengers who were denied permission to board the cruise ship because they did not comply with the requirements of this Interim Order, including by failing to provide the required information or by providing evidence that is likely to be false or misleading; and
- (g) any other information set out in Ship Safety Bulletin No. 18/2021.

Passenger Vessels That Provide Essential Services and Ferry Vessels

Permission

26 (1) A passenger vessel that provides essential services may be operated in Canadian waters if

(a) the vessel, at all times, carries not more than 50% of the maximum number of passengers that it is certified to carry, as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Safety Certificates Regulations or on an equivalent certificate issued by a foreign government; or

(b) its authorized representative implements the measures to reduce transmission risks of COVID-19 set out in the Ship Safety Bulletin entitled Measures to Mitigate the Spread of COVID-19 on Passenger Vessels and Ferries, SSB No. 12/2020, published on April 17, 2020 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced.

Notice to Minister

(2) The authorized representative of a vessel who implements measures in accordance with paragraph (1)(b) must notify the Minister, in writing, of the measures before implementing them and must keep a copy of the notice on board.

Guidelines

27 The authorized representative and master of a passenger vessel that provides essential services must make reasonable efforts to implement the measures contained in the guidelines that are set out in the document entitled COVID-19: Guidance Material for Passenger Vessel and Ferry Operators published on April 17, 2020 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time.

Ferry vessels

28 The authorized representative and master of a ferry vessel must ensure that the applicable requirements set out in section 3, paragraph 26(1)(a) or (b) and subsection 26(2) are met and must comply with the requirement set out in section 27.

Prohibition — Authorized Representative and Master

Prohibition

29 The authorized representative, and master, of a vessel referred to in section 3 or a cruise ship must not permit the vessel or cruise ship to contravene any of the restrictions or prohibitions set out in this Interim Order.

Enforcement

Persons ensuring compliance

30 (1) The following persons are authorized to ensure compliance with this Interim Order:

- (a) marine safety inspectors;
- (b) members of the Royal Canadian Mounted Police;
- (c) members of any harbour or river police force; and
- (d) members of any provincial, county or municipal police force.

Powers and duties

(2) A person who is authorized to ensure compliance with this Interim Order may

- (a) prohibit the movement of any vessel or direct it to be moved;
- (b) stop and board any vessel at any reasonable time and
 - (i) direct any person to answer reasonable questions and provide reasonable assistance, and
 - (ii) require any person to provide, for examination, any document that the person is required to have in their possession or that is required to be kept on board; and
- (c) verify by any means that the requirements of this Interim Order are met.

Obligation to comply

31 A person or vessel must comply with any direction given to them or a requirement or prohibition imposed on them under subsection 30(2).

Repeal

32 The Interim Order No. 7 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19), made on October 30, 2021, is repealed.

SCHEDULE (Subsection 1(1)) Passenger Vessels That Provide Essential Services

Item	Vessels
1	A vessel operating to protect public health or safety or the marine environment including a vessel that is involved in

Item	Vessels
	(a) search and rescue operations; or
	(b) emergency or environmental response.
2	A vessel that supports the activities of any of the following at their request:
	(a) the Minister;
	(b) the Minister of Fisheries and Oceans;
	(c) a member of the Canadian Coast Guard; or
	(d) a peace officer in the performance of their duties.
3	A vessel that operates when it is the most practical means to
	(a) give passengers access to their domicile or residence or their place of employment;
	(b) give passengers access to essential goods and services, including
	(i) goods or services directly related to the response to COVID-19, including medical equipment, testing and laboratory services,
	(ii) essential health services, including primary health care services and pharmacies, and
	(iii) food, potable water, pharmaceuticals and fuel;
	(c) transport cargo to resupply communities, businesses or industry; or

Item	Vessels
	(d) give passengers access to services that are declared to be essential services by the Government of Canada, a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group.

Footnotes

a S.C. 2018, c. 27, s. 694

b S.C. 2005, c. 29, s. 18

c S.C. 2001, c. 26

d S.C. 2018, c. 27, s. 690

i Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

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